



**Workshop on the Social Integration  
and the Rights of Older Persons in  
the Asia-Pacific region**  
30 September-2 October 2014, Bangkok



**Guidance Note: Session on “The rights of older women”**

Older women continue to face multiple types of human rights violations on the basis of their age, sex, ethnic origin, place of residence, disability, poverty, sexuality or level of literacy. They face various threats of financial exploitation; experience violence, abuse and neglect; suffer discrimination in health and long term care provision; experience work-related discrimination; and in some cases have limited access to participation in policymaking and political life.

Older women are not a homogeneous group but constitute a great diversity of experience, knowledge, ability and skills. Their economic and social situation is dependent on a range of demographic, political, environmental, cultural, social, individual and family factors. This requires a comprehensive approach that empowers older women and protects their rights. Currently, existing human rights instruments and mechanisms do not adequately protect the rights of older women and policy approaches are scattered and fragmented.

The Convention on the Elimination of All Forms of Discrimination Against Women contains one of the few provisions in international human rights law which explicitly refers to age, prohibiting gender discrimination in relation to social security, including at old age and in retirement (art. 11 (1) e). The Committee on the Elimination of Discrimination Against Women (CEDAW), concerned about the multiple forms of discrimination experienced by older women and that older women's rights are not systematically addressed in the reports of States parties, in 2010 issued general recommendation no. 27 on older women and protection of their human rights.<sup>1</sup> References to the rights of older women nevertheless remain scarce in the reports of State parties to the human rights monitoring system.

**Areas of concern**

Due the non-realization of the human rights and the discriminatory societal attitudes older women face greater risk of physical and psychological abuse. There is a tendency that harmful traditional and customary practices result in abuse and violence directed at older women, often exacerbated by poverty and lack of access to legal protection.

Discrimination experienced by older women is often multidimensional, with the age factor compounding other forms of discrimination based on gender, ethnic origin, disability, poverty levels, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds. The impact of gender inequality is often based on deep-rooted cultural and social norms, which expresses itself in the fact that e.g. rural older women or older women who are widows, members of minority-, ethnic- or indigenous groups, refugees, internally displaced or stateless often experience a disproportionate degree of discrimination.

Older women are particularly vulnerable to exploitation and abuse, including economic abuse. Gender stereotyping, traditional and customary practices can have harmful impacts on all areas of the lives of older women, in particular those with disabilities, including family relationships, community roles, portrayal in the media, employers' attitudes, health care and other service providers, and can result in physical violence as well as psychological, verbal and financial abuse.

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<sup>1</sup> Committee on the Elimination of All Forms of Discrimination Against Women General recommendation No. 27, 16 December 2010 (CEDAW/C/GC/27).



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Older women are often discriminated against through restrictions that hamper their participation in political and decision-making processes or affect their accesses to health care services and opportunities related to employment. Many older women are therefore unable to participate in cultural, recreational and community activities, which leave them isolated. Often, not enough attention is given to the requirements for independent living, such as personal assistance, adequate housing, including accessible housing arrangements and mobility aids.

Moreover, negative stereotyping of older women, inadequate old age pensions and the impact of climate change, natural disasters, armed conflict and displacement are specific areas of concern affecting the vulnerability of older women and having a negative impact on their well-being.

**Current responses to the violation of human rights of older women**

The full development and advancement of women can only be achieved through a life-cycle approach that recognizes the impact of each stage on the enjoyment of human rights by older women. However, in many countries, age discrimination is still tolerated and accepted at the individual, institutional and policy levels and few countries have legislation prohibiting discrimination based on age. Efforts to protect the rights of older persons are scattered and insufficient, with a general lack of comprehensive, targeted legal and institutional frameworks.

Some Governments have begun to address the need to afford special protection to older women, for example, by recognizing the principle of equality and non-discrimination in their constitutions; by introducing laws and policies that address age-related discrimination in employment, and by reforming pensions to offer broader coverage. Globally however, the response has been inconsistent.

The situation of older women everywhere must be a priority for policy action. Recognizing the differential impact of ageing on women and men is integral to ensuring full equality between women and men and to the development of effective and efficient measures to address the issue.

**Key priorities in protecting the human rights of older women**

A strategy that strengthens the protection of the human rights of older women includes policy initiatives that aim at mainstreaming the responses to the concerns of older women into national strategies, development initiatives and positive action so that older women can fully participate in society without discrimination. Such a strategy requires taking into account the multidimensional nature of discrimination against women and ensuring that the principle of gender equality applies throughout women's life cycle, in legislation and in the practical implementation thereof. The elimination of discrimination in all its forms against older women in economic and social life is crucial and involves various aspects. A number of concrete priorities which can help strengthen the human rights of older women have been identified as followed:<sup>2</sup>

*Data collection*

In order to support legal reform and policy formulation that strengthens the protection of older women, it is essential to:

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<sup>2</sup> The Report on "Older women and protection of their human rights", Convention on the Elimination of all Forms of Discrimination against Women, 16 December 2010 (CEDAW/C/GC/27)

- Enhance the data collection, analysis and dissemination of data disaggregated by age and sex.
- Focus on poverty, illiteracy, violence, unpaid work, including caregiving to those living with or affected by HIV/AIDS, migration, access to health care, housing, social and economic benefits and employment.

#### *Access and participation*

In order to combat discrimination of older women it is, among others, important to:

- Ensure that older women have the opportunity to participate in public and political life,
- Ensure equal opportunity in the field of education for women of all ages
- Facilitate the participation of older women in paid work without discrimination based on their age and gender.
- Ensure that the retirement age in both the public and private sectors do not discriminate against women.
- Ensure that older women have access to appropriate social and economic benefits and provide adequate non-contributory pensions, on an equal basis with men.

#### *Awareness*

To raise awareness about the role and rights of older women there is a need for:

- Adequate information, legal services, effective remedies and reparation must be made equally available and accessible to older women, including women with disabilities.
- Eliminating negative stereotyping and modifying social and cultural patterns of conduct that is prejudicial and harmful to older women.

#### *Health*

In order to adopt a comprehensive health-care policy that protects the right to health of older women Governments should prioritise:

- Ensuring affordable and accessible health care to all older women
- Health policies that ensure that health care provided to older women is based on the free and informed consent of the person concerned.
- Legislation that recognizes and prohibits violence, abuse and neglect of older women.
- Adopting special programmes tailored to the physical, mental, emotional and health needs of older women, with special focus on women belonging to minorities and women with disabilities

#### *Livelihood and security*

To ensure that older women have the opportunity to participate in public and political life and address specific vulnerability challenges, it is needed to prioritise:

- Necessary measures to ensure older women have access to adequate housing that meet their specific needs, and all barriers, that hinder the mobility of older persons and lead to forced confinement should be removed.
- Adopting appropriate gender- and age-sensitive laws and policies to ensure the protection of older women with refugee status or who are stateless, as well as those who are internally displaced or are migrant workers.
- Repealing all legislation that discriminates against older widows in respect of property and inheritance, and protect them from land grabbing.



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- Ensuring that older women are included and represented in rural and urban development planning processes.
- Ensuring the provision of affordable water, electricity and other utilities to older women.
- Repealing all legislation that discriminates against older women in the area of marriage and in the event of its dissolution, including with regard to property and inheritance.
- Climate change and disaster risk-reduction measures should be gender-responsive and sensitive to the needs and vulnerabilities of older women.

**Guiding Questions**

1. What are the gaps in national frameworks to promote and protect the rights of older women?
2. What should the roles of stakeholders (government, CSOs, national human rights institutions) be in the promotion and protection of the rights of older women?
3. Would the creation of an international instrument on rights of older persons contribute towards the realization of the rights of older women?